

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

ROBERT CARL SHARP,

Plaintiff,

v.

Civil Action No. 1:23-cv-00478

UNITED STATES OF AMERICA,

Defendant.

MOTION TO STAY

Defendant United States of America moves the Court to enter an order staying this civil action pending disposition of *United States v. Charles Looney*, Criminal Action No. 1:25-cr-00010, based on the following grounds:

1. Plaintiff's allegations in this case involve the actions of Charles Looney, acting within the scope of his employment with the Federal Bureau of Prisons ("BOP") at FCI McDowell.
2. Charles Looney is an anticipated Government witness in this case.
3. This case is set for trial on September 9, 2025.
4. Charles Looney was federally indicted and charged with writing a false report, in violation of 18 U.S.C. § 1001(a)(3), and making false statements to Special Agents from the U.S. Department of Justice, Office of Inspector General ("OIG"), in violation of 18 U.S.C. § 1001(a)(2).
5. The criminal indictment arose following an OIG investigation into the alleged misconduct of Charles Looney while he was employed with the BOP at FCI McDowell.
6. Trial is set in the criminal case for July 8, 2025.
7. The Court has broad discretion in deciding whether to stay this civil action.

8. Plaintiff will not be prejudiced by such a stay.
9. Conversely, the United States will be burdened if a stay is not granted.
10. It would be convenient to this Court, which is presiding over both the criminal and civil litigation, if the criminal matter were to conclude before this civil case proceeded through discovery to trial.
11. Charles Looney's Fifth Amendment right against self-incrimination may be implicated if a stay is not granted.
12. The public has an interest in protecting individuals' constitutional rights and promoting a well-functioning criminal justice system.
13. There is a sufficient nexus between the criminal and civil matters to support a stay.
14. Ultimately, a balancing of the relevant factors weighs in favor of a stay.

Therefore, the United States respectfully requests that this Court enter an order staying this case pending conclusion of the criminal proceedings against Charles Looney and grant the United States such other and further relief as the Court deems appropriate.

Respectfully submitted,

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Counsel for United States of America

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2025, I electronically filed the foregoing ***Motion to Stay*** with the Clerk of the Court using the CM/ECF system and that I have served a true copy by U.S. mail to the following *pro se* petitioner:

Robert Carl Sharp
#13228-026
ASHLAND FEDERAL CORRECTIONAL INSTITUTION
P. O. Box 6001
Ashland, KY 41105

s/ Jason S. Bailey
Assistant United States Attorney